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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,016	04/08/2004	Chiu-Chien Yuan	24061.93 (TSMC2003-0372)	9310
43717 7590 06/29/2009 HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas, TX 75219				
EXAMINER SHAW, PELING ANDY				
ART UNIT		PAPER NUMBER		
2444				
MAIL DATE		DELIVERY MODE		
06/29/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/821,016

**Applicant(s)**

YUAN ET AL.

**Examiner**

PELING A. SHAW

**Art Unit**

2444

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 12 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-26.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Peling A Shaw/  
Examiner, Art Unit 2444

Continuation of 11, does NOT place the application in condition for allowance because:

- a. Applicant has clarified the supports for the limitations as per claim 1-26 rejections under 2nd paragraph of 35 U.S.C. 112 in Office Action mailed 04/15/2009. Claim rejection under 2nd paragraph of 35 U.S.C. 112 is withdrawn.
- b. Applicant has argued that Lu does not disclose the limitations of "selecting at least one of a plurality of input files", "selecting an output file format from a plurality of output file formats", "selecting a mode for circulation from a plurality of modes for circulation", ... and "circulating the output file to at least one recipient entity using the selected mode for circulation" (see 1st paragraph on page 7 of current amendment) as presented in claim 1. Lu has shown (3rd paragraph on left column of page 41 and 5th paragraph on right column of page 41) asking some kinds of data to provide, i.e. seems to allow selecting from different inputs; (last paragraph on right column of page 43 through 1st paragraph on left column on page 44) send in XML format, FAX, e-mail and phone, i.e. selecting from different output (file) formats and modes. Thus Lu seems to have the amended and argued limitations. As one skill in the art would read "produced data to ask to provide" and "data included electronic purchase orders, confirmed shipping dates, lots in factories, inventory transactions, lots in finished goods and shipping information" as in 3rd paragraph on left column of page 41 of Lu within the context of Lu in whole, it is disclosing some kind of input selection in file format. Lu has further disclosed in last paragraph in right column of page 42 using FTP to exchange fixed format text files. As lot finish information is transmitted through e-mail, phone or FAX, TSMC could send a shipping instruction to subcontractors a shipping alert to customer through FAX; After receiving INSLP transaction, the system will send a shipping instructions through XML format to the subcontractor and shipping alert to the customer through e-mail as per last paragraph on right column of page 43 through 1st paragraph on left column on page 44 in Lu, one skill in the art would recognize this passage discloses some input/output functions are used to apply to business to business communication in turn of different input and output method, i.e. format or mode, e.g. e-mail, phone, FAX, XML documents and FTP.